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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/020,036

12/07/2001

Matthew S. Grob

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06/20/2006

QUALCOMM, INC
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SAN DIEGO, CA 92121

EXAMINER

BHATTACHARYA, SAM

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/020,036

Applicant(s)

GROB ET AL.

Examiner

Sam Bhattacharya

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7, 8, 12, 13, 17-21 and 25-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12, 13, 17-21, 25-28 and 31 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 7, 29, 30, 32 and 33 is/are rejected.
- 7) ☒ Claim(s) 2, 4 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 7, 29, 30, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onada et al. (US 5,117,502) in view of Yi (US 6,094,427).

Regarding claims 1, 3, 30, 32 and 33, Onada et al. discloses an apparatus and method for soft handoff, including a mobile station MR with at least one processor 18, configured to measure the power of the signals received from a plurality of base station transceivers at the mobile station, identifying the first channels whose measured signal powers are greater than a threshold at the mobile station, placing indicators of the identified first channels to a first set at the mobile station, and searching for a direction message using the indicators contained in the first set, transmitting the indicators from the first set. See FIGS. 9 and 10, col. 6, line 47 – col. 7, line 10 and col. 7, lines 33-48.

Onada et al. fails to disclose receiving a direction message from an identified base station transceiver not in communication with the mobile station via a traffic channel. However, in an analogous art, Yi discloses receiving a direction message from an identified base station transceiver not in communication with the mobile station via a traffic channel. See col. 4, line 33 – col. 5, line 13. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus and method in Onada et al. by

incorporating the features of Yi for the purpose of allowing the mobile station to be informed that the identified base station transceiver is ready for the mobile station to be handed over to it.

Regarding claim 7, Onada et al. discloses that the direction message is a handoff direction message that identifies a neighboring base station.

Regarding claim 29, Onada et al. discloses a memory 56 embodying instructions executable by the at least one processor.

Allowable Subject Matter

3. Claims 2, 4 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 12, 13, 17-21, 25-28 and 31 allowed.

5. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to disclose the recited combination of elements, including determining indicators of the identified base station and pilot channel not included in the first set, placing the determined indicators in the first set as the revised active set and transmitting the determined indicators, as in claims 2 and 4; claims 8, 12, 13, 17-21, 25-28 and 31 incorporate allowable subject matter as stated in a previous Office Action.

Response to Arguments

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917.

The examiner can normally be reached on Weekdays, 9-6, with first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sb


GEORGE ENG
SUPERVISORY PATENT EXAMINER